

**Durham Planning Board
Meeting Minutes
July 6th 2016**

Call to Order: Vice Chairman Beaulieu called the meeting to Order at 7:00 p.m.

Members Present: Vice Chairman Todd Beaulieu, Anne Torregrossa, Mindy Woerter, Michael Fitzpatrick, John Simoneau and Alternate Member Juliet Caplinger

Also Present: Jill Toher, Admin/Secretary; Paul Baines, Codes Official.

Establishment of Quorum: Vice Chairman Beaulieu announced a Quorum has been met with five (5) members present.

Public Present: Mark and Helena Kelley, Heather Roy

Pledge of Allegiance: Completed.

Amendments to Agenda: Address Approval of Minutes at end of Meeting.

Continuing Business: None.

New Business:

- a. Mark and Helena Kelley – Conditional Use Application – Garage, Mudroom, One Bedroom Apt. above garage (attached to existing residence) Map #10, Lot #29-A – 432 Stackpole Road.**

Mark and Helena Kelley personally appeared before the Board. Mark Kelly stated all abutters signed notification, but one abutter would not sign. He re-visited that abutter earlier this evening but no one appeared home. It was determined by the Board that the Applicants can request a waiver in writing for the abutter that did not sign the notification.

Mr. Kelly also stated that there was an earlier Conditional Use Permit was issued by the Planning Board, sometime in 2011, but due to personal reasons, the permit expired.

Codes Official Baines stated he issued a building permit for the garage and construction on that phase has started.

Chairman Beaulieu advised that his son, who works for a construction company, will provide the material for the garage. It was the general consensus of the Board that no conflict of interest exists.

Planning Board Member Mindy Woerter will be keeping the official record of the Application Submission requirements via computer which will become part of the Applicant's file.

The Board next began reviewing the Application Submission Requirements Check List and determined the following items were incomplete:

4-b. The abutting property owners across the road from the Applicants were not contacted.

4-f. The bearings and distances of all property lines of the property to be developed and the source of this information needs to be completed.

4-g. The location of all building setbacks needs to be completed.

4-j. The location of intersecting roads or driveways within 450 feet of the site needs to be completed.

4-l. The location of open drainage courses, wetlands, stands of trees or other natural features ... new landscaping ... and buffer areas need to be shown on the plan in order to be complete.

4-m. The direction of drainage across the site, both existing and proposed needs to be completed.

4-o. Location and dimensions of any existing easements and copies of existing covenants or added restrictions needs to be completed by supplying a copy of the Deed.

4-p. The location and type of exterior lighting needs to be drawn on plan.

Vice Chairman Torregrossa Moves to Waive the requirement for an Engineer or Surveyor to prepare a site plan. Michael Fitzpatrick Second. Motion Carried 5-0.

Vice Chairman Torregrossa Moves to table this Application until next meeting. Michael Fitzpatrick Second. Motion Carried 5-0.

b. Heather Roy (Daniel & Michelle Thibeault, owners) – Conditional Use Application for a Small Daycare Facility, Map #4, Lot #46-B – 662 Newell Brook Road.

John Simoneau recused himself from participation in Heather Roy's Conditional Use Application. Chairman Beaulieu appointed Alternate Member, Juliet Caplinger to be a voting member on this Conditional Use Application.

Heather Roy personally appeared before the Board stating she would like approval to open a small daycare facility at 662 Newell Brook Road, the former Durham Oil Company building owned by Daniel and Michelle Thibeault. She further stated that although a lease has not been signed, she represented that she and the Thibeaults have a verbal agreement.

After some discussion, it was determined by the Board that Ms. Roy will need to have a fully executed lease between herself and the Thibeaults that shows right, title and interest to the property and this will be imposed as a condition to the application.

Ms. Roy stated that currently, the Thibeaults are currently operating a wood business from the site and Mr. Thibeault is in the process of moving long cord wood from one side of the building to the other in order to accommodate the proposed day care facility. She further stated that the wood business would not be in operation while the day care facility is operating and that the Thibeaults assured her that their wood business would only be in operation on the weekends and days the day care is closed.

Ms. Roy stated she will be providing before and after care only during the school year and will oversee no more than twelve children per State Licensing requirements. She estimated she would need up to eight parking spaces to accommodate drop-off and pick ups of children, although she stated currently the proposed roster includes the care of more than one child for a number of families.

A discussion followed regarding change of use. The Codes Official stated that Durham Oil as well as the new wood business each provide a means of heating and therefore, in his opinion, there is no change of use for the Thibeaults. He continued that Ms. Roy is essentially changing Mr. Thibeault's Conditional Use Permit to include a Daycare. Vice Chairman Torregrossa stated that the Board needs some written evidence of Mr. Thibeault's permission for Ms. Roy to operate a Daycare. This could be made a Condition of Approval on Ms. Roy's Conditional Use Permit.

Ms. Roy stated she was unable to get a signed abutter notification back from one abutter and provided a request for a Waiver.

Vice Chairman Torregrossa Moves to Waive this requirement because it appears all abutters received actual notice. Michael Fitzpatrick Second. Motion Carried 5-0.

Board Member Michael Fitzpatrick will be reading both the Approval Criteria Checklist and Conditional Use Application Checklist requirements and Board Member Mindy Woerter will be keeping the official records, for both via computer which will become part of the Applicant's file.

Vice Chairman Anne Torregrossa Moves to Find that the Conditional Use Approval Criteria Application is Complete. Michael Fitzpatrick Second. Motion Carried 5-0 with John Simoneau Abstaining.

Vice Chairman Anne Torregrossa Moves to Find that the Conditional Use Permit be approved with the following conditions: 1) The applicant provide a deed/lease showing right title and interest by demonstrating to Codes Official there are no encumbrances on the property; 2) the combination of both signs cannot exceed the total area of twenty-four square feet; 3) that eight parking spaces be provided; 4) a State Daycare License be provided when received; 4) that total signage cannot exceed twenty-four square feet; Michael Fitzpatrick Second. Motion Carried 5-0 with John Simoneau Abstaining.

Approval of Minutes: Michael Fitzpatrick Moves to Approve the June 1st 2016 Minutes correcting typo on page #3 item "D" as Amended. Chairman Beaulieu Second. Motion Carried Unanimously. Minutes for May, 2016 Tabled.


Other Business – It was noted that although Chairman Beaulieu was reading and Mindy Woerter was recording for the Dori Thurston, no information is currently in the file. Secretary Toher provided a copy she made for her use only. Secretary Toher stated that the records kept by Mindy Woerter were not given to her at the end of that meeting. Vice Chairman Torregrossa suggested the matter be tabled until next month to allow time for Chairman Beaulieu look through his records to see if Mindy Woerter submitted them to him.

Chairman's Comments: Chairman Beaulieu announced the following:

- a. **Next Meeting – Wednesday, August 3rd 2016 at the Town Office at 7:00 p.m.**
- b. **Applications (9 complete sets) – Due Monday, July 25th 2016 by 4:30 p.m., at Town Office.**
- c. **The next Ordinance Workshop is scheduled for July 18th 2016 at the Town Office.**

Adjournment: Anne Torregrossa Moves to adjourn at 9:10 p.m. Michael Fitzpatrick Second. Motion Carried 5-0.

Respectfully submitted,


Jill S. Toher
Meetings Secretary